



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Jennie Skeadas-Sherry AICP

Staff Report Modification to a Series A Site Plan and Special Use Permit Review

Planning Commission Date:	November 10, 2014
Address:	257 Washington Street
Tax Id #:	160.33-1-7
Case Number:	2014-57
Zoning:	Service Commercial District(C-1)

REVIEW REQUESTED

On March 4, 2013 the Planning Commission approved a Series A Site Plan and Special Use Permit to convert 2 existing structures at 257 and 263 Washington Street into multi-family dwellings and to construct an off-street area between these structures. 257 Washington Street was specifically approved for seven two-bedroom and twelve one-bedroom and studio units. The prior approval did not include plans for the sub-basement level of 257 Washington Street. The current proposal would convert this level into habitable space, including a one-bedroom residential unit, 2,010 square feet of commercial office space, a laundry room and storage area for residential tenants, an accessible bathroom, and various mechanical spaces. Commercial office uses are permitted in the C-1 District.

This project requires Planning Commission approval to modify the approved Series A Site Plan, Special Use Permit. The previously approved site plan for the project, which includes off-street parking, landscaping, and stormwater management features, would not be altered as a result of this project. One additional parking space would be required for the residential unit. Parking would not be required for the commercial space because it is less than 2,500 square feet in area. The applicant is in the process of obtaining parking from a site within 800 feet of the subject site and has indicated that an executed agreement for additional parking will be provided to the Planning Commission. Staff recommends that a parking agreement be provided in advance of a decision by the Commission.

STAFF FINDINGS AND RECOMMENDATIONS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

If the Planning Commission approves this project, Staff recommends that the below conditions of approval be included. These conditions were included in the previous approval.

1. Prior to issuance of a building permit, approval of the Commission on Architecture & Urban Design (CAUD) shall be obtained for all modifications to the exterior of the subject building, including the northern façade of the structure known as 257 Washington Street (the final design proposal of which will follow demolition of the structure located at 259 Washington Street).
2. Prior to issuance of a building permit, a revised site plan shall be submitted to Planning Division for review and approve, that includes:
 - exterior lighting installations that result in illumination of all portions of the installed off-street parking area;
 - the incorporation of all planting recommendations of the Shade Tree Commission as stated in their comment letter dated 12/20/12;
 - relocation of all parking spaces reserved for handicapped use to location(s) abutting handicapped accessibility ramp(s);
 - all conditions of approval listed as a note on the plan.
3. A Final Urban Runoff Reduction Plan shall be submitted along with the demolition permit, building and/or grading permit for the parking area for review and approval by the City of Binghamton Engineering Department prior to the issuance of any permit for the proposed project.

The below recommended condition was not included in the previous approval but was previously recommended by staff:

4. That the sidewalk along the E. Clinton Street frontage of 257 Washington Street be reconstructed and/or repaired, per Engineering Department guidelines, with installation of street tree plantings where adequate space permits.

STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements

for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

SITE REVIEW

The subject site is improved with a vacant two-story masonry building. The building was most recently occupied by the Boys' and Girls' Club of America. The approved site plan for the site includes off-street parking, landscaping, and stormwater management features.

Land uses in the vicinity of 257 Washington Street include a mixture of commercial, institutional and residential.

PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

257 and 263 Washington Street: March 4, 2013 the Planning Commission approved a Series A Site Plan and Special Use Permit to convert 2 existing structures into a multi-unit dwellings. An extension of this approval was granted by the Planning Commission in 2014.

23 E. Clinton Street: On December 21, 2013, Series A Site Plan / SUP Review Exception was granted for a yoga studio (applicant: Yaron Kweller).

1 Lewis Street: The Planning Commission granted Series A Site Plan / Special Use Permit Review approval for a mixed use project (Multi-Unit Dwelling & Commercial Use TBD) on October 3, 2011 (applicant: Tobey Kellam).

187 Washington Street: A Special Use Permit was granted to Christ Church in 1990 by the Planning Commission for the operation of a pre-school within the existing church building.

227-241 Washington Street: In 1989, the Zoning Board of Appeals granted two area variances regarding off-street parking requirements to Sarbro Realty to permit the construction of an office building.

245 and 249 Washington Street: In 1987, the Planning Commission granted a Special Use Permit to the First Assembly of God to use the building at 249 Washington Street as an accessory to the church and to use 245 Washington Street for parking.

5-7 Lewis Street: The Planning Commission approved a Series A Site Plan submitted by ISI Associates in 1998 to construct a parking lot.

COMPREHENSIVE PLAN CONSISTENCY

This project is consistent with the City's 2014 Comprehensive Plan. The site falls within the Downtown land use classification. The Comprehensive Plan identifies the creation of a mixed-use downtown as a key goal for economic development. The revitalization of the subject building containing a mix of residential and office uses would be substantially consistent with the Plan.

ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission should act as the lead agency to determine any environmental significance related to the Site Plan and Special Use Permit.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Planning Commission is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)— see below.

SEQR EAF Part 2 - Impact Assessment. The Lead Agency (Planning Commission) is responsible for the

completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the Planning Commission should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
Will the proposed action result in a change in the use or intensity of use of land?		
Will the proposed action impair the character or quality of the existing community?		
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?		
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?		
Will the proposed action create a hazard to environmental resources or human health?		

EAF Part 3 - Determination of significance. For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined

that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.

ENCLOSURES

Enclosed is a copy of the application, site plan, floors plan and photo page.